

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

ORGULF TRANSPORT CO.,

Plaintiff(s)

vs.

MARTIN MARIETTA AGGREGATES,

Defendant(s)

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Case Number: 1:02cv187-SJD

District Judge Susan J. Dlott

ORDER

The Court having been advised by counsel for the parties that the above matter has been settled, IT IS ORDERED that this action (including all claims by all parties) is hereby DISMISSED WITH PREJUDICE, provided that any of the parties may, upon good cause shown not later than February 9, 2004, reopen the action if settlement is not consummated. The parties may substitute a judgment entry contemplated by the settlement agreement upon approval of the Court. Parties intending to preserve this Court's jurisdiction to enforce a settlement should be aware of *Kokkonen v Guardian Life Ins. Co. of America*, 511 U.S. 375, 381-82 (1994), and incorporate appropriate language in any substituted judgment entry.

This Court explicitly retains jurisdiction to enforce settlement agreement reached by the parties, on motion or sua sponte and to consider Plaintiff's application for attorney fees, if any.

Each party shall bear its own costs.

IT IS SO ORDERED.

\_\_\_\_s/Susan J. Dlott\_\_\_\_\_  
Susan J. Dlott  
United States District Judge